

August 19, 2008

MEMORANDUM TO: Martin J. Virgilio
Deputy Executive Director for Materials, Waste,
Research, State, Tribal, and Compliance Programs
Office of the Executive Director for Operations

Karen D. Cyr
General Counsel

Charles L. Miller, Director
Office of Federal and State Materials
and Environmental Management Programs

Arthur T. Howell, Director
Division of Nuclear Materials Safety
Region IV

FROM: Aaron T. McCraw, IMPEP Project Manager */RA/*
State Agreements and Industrial Safety Branch
Division of Materials Safety and State Agreements
Office of Federal and State Materials
and Environmental Management Programs

SUBJECT: MINUTES: AUGUST 11, 2008, SPECIAL MANAGEMENT
REVIEW BOARD (MRB) MEETING

Enclosed are the minutes of the MRB meeting held on August 11, 2008, to discuss periodic meetings held with the Alabama and the Texas Agreement State Programs. If you have comments or questions, please contact me at (301) 415-1277.

Enclosure: Minutes of the Management
Review Board Meeting

cc: Karen Beckley, Nevada
Organization of Agreement States
Liaison to the MRB

Kirksey Whatley, Director
Alabama Radiation Control Program

Richard Ratliff, Director
Texas Radiation Control Program

Susan Jablonski, Director
Texas Commission on Environmental
Quality

Management Review Board Members

Distribution: DCD (SP01)
DMSSA RF
RLewis, FSME/DMSSA
JLuehman, FSME/DMSSA
DWhite, FSME/DMSSA
SCampbell, OEDO
JKottan, RI/RSOA
RErickson, RIV/RSOA
LMcLean, RIV/RSOA
MOrendi, FSME/DMSSA
KSchnedier, FSME/DMSSA
WRautzen, FSME/DMSSA
DSollenberger, FSME/DMSSA

ML082320668

OFC	FSME/DMSSA		
NAME	ATMcCraw:km		
DATE	08/ 19/08		

OFFICIAL RECORD COPY

MINUTES: MANAGEMENT REVIEW BOARD MEETING OF AUGUST 11, 2008

These minutes are presented in the same general order as the items that were discussed in the meeting. The attendees were as follows:

Martin Virgilio, MRB Chair, DEDMRT
Karen Cyr, MRB Member, OGC
Dennis Sollenberger, FSME

Charles Miller, MRB Member, FSME
Aaron McCraw, FSME
Monica Orendi, FSME

By Videoconference:

Art Howell, MRB Member, Region IV

Randy Erickson, Region IV

By Teleconference:

Karen Beckley, OAS Liaison, NV
Kirk Whately, AL
David Walter, AL
Gary Smith, TX
Richard Ratliff, TX
Darice Bailey, TX
Cindy Cardwell, TX
Alice Rogers, TX
Debbie Peterson, TX

Jim Kottan, Region I
Jim McNees, AL
Susan Jablonski, TX
Devane Clarke, TX
Bob Free, TX
Barbara Taylor, TX
Tommy Cardwell, TX
Scott Kee, TX
Ruben Cortez, TX

1. **Convention.** Mr. Aaron McCraw convened the meeting at 3:02 p.m. He noted that this MRB meeting was open to the public; however, no members of the public participated in this meeting. He then transferred the lead to Mr. Martin Virgilio, Chair of the MRB. Introductions of the attendees were conducted.
2. **Periodic Meetings Discussions.**

Periodic Meeting with Alabama. Mr. Jim Kottan led the discussion of the results of the periodic meeting with Alabama (ADAMS Accession Number: ML081540192). The meeting was held in Montgomery, Alabama, on April 29, 2008. Mr. Kottan indicated that the last Integrated Materials Performance Evaluation Program (IMPEP) was conducted in April 2006, and the review team found the program satisfactory for all performance indicators. Mr. Kottan noted that the Alabama program maintained a strong, stable staff since the IMPEP review. He indicated that the Alabama program had stable funding also. Mr. Kottan noted that there was no inspection or licensing backlog and no regulations were overdue. Mr. Kottan indicated that the State listed the number of regulation changes and communication with the States as areas for improvement for the NRC. Dr. Charles Miller and Mr. Virgilio congratulated the State for maintaining a good program and requested input from the State on interactions with the Commission.

Mr. Kirk Whatley declined to comment. The MRB concluded that the next IMPEP review of the Alabama Agreement State Program should take place, as currently scheduled, in Fiscal Year 2010.

Periodic Meetings with Texas. Mr. Randy Erickson led the discussion of the results of the periodic meetings with Texas (ADAMS Accession Numbers: ML081840367 and ML081840304). The meetings were held in Austin, Texas, on June 9-10, 2008. Mr. Erickson indicated that the last IMPEP was a followup review conducted in November 2006, and there was one open recommendation. Mr. Erickson summarized the status of the recommendation and indicated that it should be reviewed and closed at the next IMPEP review. Mr. Erickson stated that Texas had concerns with the amount of time between when they submit information for inclusion in the Nuclear Material Events Database (NMED) and when the information actually appears in the database. The State believes that IMPEP team members may not be using the correct dates when assessing a State's performance with respect to submitting event information to NMED. Mr. McCraw informed the MRB of staff's efforts to resolve the issue and committed to providing the MRB with the final outcome of staff's resolution. Mr. Erickson noted that the Texas program had stable staff and that the program was able to implement all of the required security initiatives. Mr. Erickson indicated that funding is an issue in Texas and that additional unfunded mandates will put a strain on the program. The MRB commended the State for its ability to incorporate the security initiatives while maintaining their health and safety program. Mr. Erickson discussed the transfer of regulatory authority of uranium recovery activities to the Texas Commission on Environmental Quality and provided the status of that program. Dr. Miller and Mr. Virgilio stressed the importance of staying in close contact with Texas and other States with uranium recovery authority during the resurgence in uranium mining interest. Dr. Dennis Sollenberger thanked the State for allowing him to visit two Texas facilities as part of the periodic meetings. The MRB unanimously agreed to remove the Texas Agreement State Program from Monitoring. The MRB concluded that the next IMPEP review of the Texas Agreement State Program should take place, as currently scheduled, in Fiscal Year 2010.

Comments. Mr. McCraw reiterated the MRB's decisions to maintain the next IMPEP reviews for Alabama and Texas as currently scheduled. He also reiterated that MRB's decision to remove the Texas Agreement State Program from Monitoring.

Items for Followup. Mr. McCraw informed the MRB of staff's efforts to resolve the NMED issue and committed to providing the MRB with the final outcome of staff's resolution.

3. **Precedents/Lessons Learned.** The MRB established no new precedents to be applied to the IMPEP process during this meeting.
4. **Adjournment.** The meeting was adjourned at 3:38 p.m.